

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CARL FOUST,

Plaintiff,

v.

CALIFORNIA MEDICAL FACILITY,

Defendant.

No. 2:21-CV-0540-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 55, for an extension of time to file a second amended complaint. Good cause appearing therefor, Plaintiff's motion is granted. The second amended complaint filed on August 5, 2022, is deemed timely.

In reviewing the docket, the Court notes that, in addition to Plaintiff's second amended complaint filed on August 5, 2022, see ECF No. 59 Plaintiff filed a document on August 8, 2022, which has been docketed as a "supplement," but which appears to be a stand-alone amended complaint, see ECF No. 60. The Court cannot refer to the multiple pleading in order to make Plaintiff's second amended complaint complete. See Local Rule 220. An amended complaint must be complete in itself without reference to any other pleading. See id. Here, it is not clear whether Plaintiff intends to proceed on the second amended complaint filed on August 5, 2022, or the separate pleading, docketed as a "supplement," filed on August 8, 2022.

1 The Court will provide Plaintiff some options as to how to proceed. Plaintiff may
2 either inform the Court whether he intended to proceed on the August 5, 2022, pleading, or the
3 August 8, 2022, pleading as his second amended complaint, or Plaintiff may file a new single
4 pleading as his second amended complaint, such pleading to supersede the August 5, 2022, and
5 August 8, 2022, filings. Plaintiff is cautioned that if he does not pursue one of these options
6 within 30 days of the date of this order, the action may be dismissed for lack of prosecution and
7 failure to comply with court rules and orders. See Local Rule 110.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion for an extension of time, ECF No. 55, is granted;
- 10 2. The second amended complaint filed on August 5, 2022, ECF No. 59, is
11 deemed timely;
- 12 3. Within 30 days of the date of this order, Plaintiff shall either:
 - 13 a. Inform the Court in writing whether he intends to
14 proceed on the August 5, 2022, pleading, ECF No. 59,
15 or the August 8, 2022, pleading, ECF No. 60;
 - 16 - or -
 - 17 b. File a single new pleading entitled "Second Amended
18 Complaint," such pleading to supersede the August 5,
19 2022, and August 8, 2022, filings as Plaintiff's operative
20 complaint.

21 Dated: August 16, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE